

WBL Logbook Sheet Template

Learning Outcome and example number e.g. 1.1(1), 1.2(2), 1.2(1) 1.2(2) etc.	Page numbers from portfolio
1.3 (2)	45-57
Evidence provided and date of evidence e.g. Letter to client dated 01.01.2020 Telephone attendance note dated 01.01.2020	
Letter to Member dated [REDACTED] Email from witness providing Members most recent address dated [REDACTED] Letter to Member at new address dated 1 [REDACTED] Signed Consent Order dated [REDACTED]	
Explain how the example meets the learning Outcome and how the evidence shows this	
<p>Relevant issue: The Member was subject to disciplinary proceedings [REDACTED] had served its case on the Member. The Member provided a response and supporting medical information but then stopped responding to telephone calls letters and emails.</p> <p>How I dealt with the issue: The case was allocated to me for review. After completing a full file review, I noted that not only the Member had made admissions in his formal response, he had provided medical evidence to suggest that he was not fit to participate in a Disciplinary Hearing and that he was also due to retire from the profession. I decided that it was more proportionate to deal with this matter by way of Consent Order. I therefore made a recommendation to the Head of Regulation that the decision to refer the matter to a Disciplinary Hearing be rescinded and that an offer of a Consent Order be made instead.</p> <p>I was unable to communicate this to the Member or discuss the issues with him as I had been unable to contact him. He had stopped responding to telephone calls and letters and it appeared that he had closed his email account.</p> <p>Action taken to deal with the matter and supporting evidence: I wrote to the Member clearly setting out the issues in the case. I reminded his that the case against him was a serious matter and explained that if he did not get in contact with 21 days, I would instruct a Tracing Agent to verify his current address. I also put him on notice that if he did not cooperate, we could proceed in his absence. The Member did not respond however, a witness in the case was able to provide an up-to-date address for the Member. I wrote to the Member at his new address which encouraged him to engage in the process. I was able to resolve the matter by way of Consent Order. I drafted the Consent Order and it was authorised and signed by supervisor on behalf of [REDACTED]</p>	
Reflection and evaluation	
Describe what you learnt from the activity you undertook to meet the Learning Outcome. You may want to complete this section at a later date once you have had time to reflect on your practice and experience.	

Whilst non-cooperation can be a breach of the [REDACTED] Rules of Conduct for Members, it is important to remember that there may be many reasons why a member is not cooperating. It is important to make reasonable attempts to contact a member and establish all facts before making a decision. In this case the Member had experienced family problems as well as serious health issues which had led to him moving house. Being able to resolve this matter by way of Consent Order ensured the process was fair for the Member but also provided a more proportionate and cost-efficient resolution for both parties.

Supervisor's Name

Please print the full name of the supervisor that supervised the work referred to above within this logbook sheet and the supporting evidence.

[REDACTED]

STRICTLY PRIVATE & CONFIDENTIAL

Mr [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

By post only

Our ref: [REDACTED]

Dear Mr [REDACTED]

[REDACTED] Disciplinary Proceedings

I am a [REDACTED]

I have been trying to contact you in relation to a complaint which was made about you and your Firm [REDACTED], by the [REDACTED], in [REDACTED]. Unfortunately, I have been unable to reach you.

On [REDACTED] I sent an email to [REDACTED] but I received a Microsoft notification stating the domain name no longer exists. On [REDACTED] I attempted to contact you by telephone on [REDACTED]. I again received an automated recording stating that the number was not available.

As you aware [REDACTED] investigated the complaint from [REDACTED] and the Head of Regulation decided that the concerns raised in your complaint were serious enough to warrant taking disciplinary action against you. The matter was therefore referred to a Disciplinary Panel for further consideration and determination.

Since [REDACTED] we have not been able to hold any face to face Disciplinary Hearings due to Government imposed Covid-19 restrictions. [REDACTED] decided, where possible, to move all hearings to a virtual process. This took some time to organise and in turn caused further delay.

We are therefore reviewing all cases again to ensure they are suitable for a virtual hearing before listing, and to consider whether the case meets our threshold for referral to a Disciplinary Panel in all the circumstances of the case.

I have reviewed the case and your GP letter dated [REDACTED]. It would be helpful if we could arrange a convenient time to discuss the options for concluding this matter, this includes the possibility of avoiding the need for a public Disciplinary Panel hearing.

Next steps

I would be grateful if you email your up to date contact details to me at [REDACTED] Please include your current postal address, telephone number and email address.

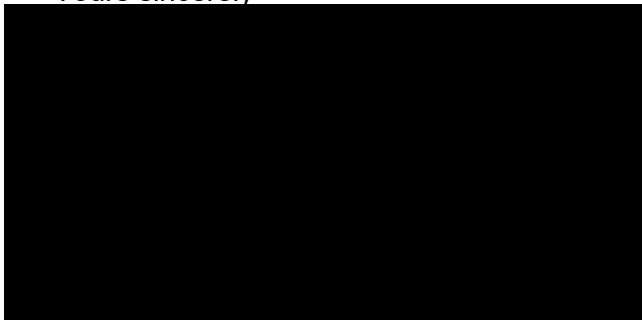
Please could you also contact me either by email or telephone on [REDACTED] to arrange a time to discuss this matter further. All [REDACTED] are continuing to work remotely but I am usually available to accept telephone calls on a Thursday or Friday between 9:30am and 2pm. If you are unable to reach me by telephone, please do leave a voice message and I will return your call as soon as possible.

If I don't hear from you within 21 days of the date of this letter, it may be necessary to instruct a Tracing Agent in an attempt to confirm your current postal address and contact details. This may also involve them attending your last known addresses and surrounding properties to make enquiries there to assist in locating you. This will of course incur a cost which you may later be liable for. If a Tracing Agent locates you a Process Server may then be required to visit your address to personally serve documents on you related to the proceedings to ensure you have sight of them. To avoid the costs and disruption of this process it would be great if we could discuss the case constructively to establish if it can be resolved without a public hearing.

The Head of Regulation decision deemed this matter serious enough to warrant disciplinary action. Therefore, if we are not able to contact you or you choose not to cooperate, it may be necessary to proceed to a hearing in your absence.

I look forward to hearing from you at your earliest convenience.

Yours sincerely

A large black rectangular redaction box covering the signature area.

[REDACTED]

From: [REDACTED]
Sent: [REDACTED]
To: [REDACTED]
Subject: [REDACTED]
Attachments: [REDACTED]

CAUTION: This email originated from outside of [REDACTED]. Do not click links or open attachments unless you recognise the sender and know the content is safe.

[REDACTED]

Thank you for your e-mail.

I now forward the requested tracing report and my subsequent HM Land Registry search confirming [REDACTED] new address as:

[REDACTED]

I look forward to receiving the further update you have previously offered by [REDACTED] at the latest, so that I can then in turn update our Trustees at their next meeting on [REDACTED].

I trust your more robust approach in attempting to contact [REDACTED] extends to now robustly drawing this protracted matter to as swift a satisfactory conclusion as possible.

Thank you

Kind regards

[REDACTED]
Executive Officer
[REDACTED]

[These e-mail notices are incorporated into this e-mail by reference](#)


PLEASE DON'T PRINT THIS E-MAIL UNLESS YOU REALLY NEED TO DO SO

[REDACTED]

[REDACTED] >

[REDACTED]

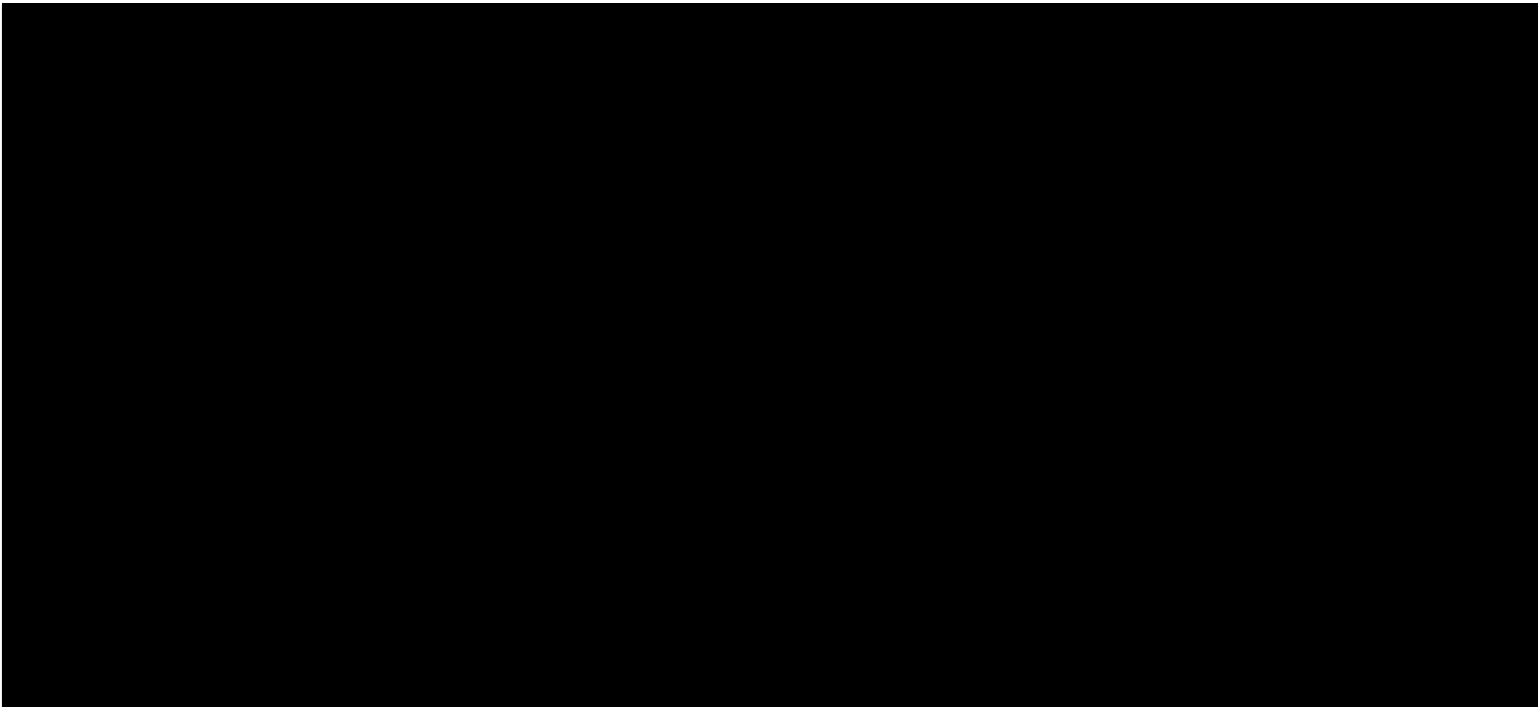
Dear [REDACTED]

Thank you for your email and for responding so quickly.

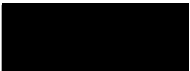
If you are happy to share the report with me that would be very helpful.

I look forward to hearing from you.

Yours sincerely,



CAUTION: This email originated from outside of [REDACTED] Do not click links or open attachments unless you recognise the sender and know the content is safe.



Thank you for your e-mail and for the update that it contains.

As I suspected that you may struggle to make contact with [REDACTED] using the contact details you currently hold on file, I have already used a tracing agent to find him at a new address. Please let me know if you would like me to share that tracing report with you.

Thank you

Kind regards



[These e-mail notices are incorporated into this e-mail by reference](#)

 PLEASE DON'T PRINT THIS E-MAIL UNLESS YOU REALLY NEED TO DO SO



PRIVATE & CONFIDENTIAL

[REDACTED]

Sent by post only

Our ref [REDACTED]
[REDACTED]

Dear [REDACTED]

I am a [REDACTED]

I have been trying to contact you in relation to a complaint which was made about you and your Firm [REDACTED], by the [REDACTED]), in [REDACTED]. Unfortunately, I have been unable to reach you.

On [REDACTED] I sent an email to [REDACTED].com but I received a Microsoft notification stating to domain name no longer exists. On [REDACTED] attempted to contact you by telephone on [REDACTED]. I again received an automated recording stating that the number was not available.

As you aware [REDACTED] investigated the complaint from [REDACTED] and the Head of Regulation decided that the concerns raised in your complaint were serious enough to warrant taking disciplinary action against you.

Potential Rule Breaches

As you are aware the information/evidence obtained during our investigation of this complaint suggests a potential breach of [REDACTED] in particular:

[REDACTED]

[REDACTED]

that are inconsistent with their professional obligations.

Liability to disciplinary action

We wrote to you on [REDACTED], to inform you that the Head of Regulation had decided that there is a realistic prospect of establishing that you are liable to disciplinary action.

In making its decision the Head of Regulation considered all the information made available by the Complainant, along with your response to our concerns raised by [REDACTED]. The Head of Regulation also considered the information you provided about your health and how you believed your ill health clouded your judgement.

The Head of Regulation decided that there was sufficient evidence to suggest that your actions were dishonest and that there was a serious breach of your client's trust. If found proved, your actions would likely bring the reputation into disrepute and demonstrate a failure to adhere to [REDACTED] rules for members.

Since [REDACTED] we have not been able to hold any face to face Disciplinary Hearings due to Government imposed Covid-19 restrictions. [REDACTED] decided, where possible, to move all hearings to a virtual process. This took some time to organise and in turn caused further delay.

We are therefore reviewing all cases again to ensure they are suitable for a virtual hearing before listing, and to consider whether the case meets our threshold for referral to a Disciplinary Panel in all the circumstances of the case. I have reviewed your case and your GP letter dated [REDACTED] and I have referred the matter back to Head of Regulation for further consideration.

In light of the above, the Head of Regulation has decided, in accordance with Rule 8 of the [REDACTED] that disciplinary action is appropriate and in reaching this decision has had regard to:

- the seriousness of the alleged breach
- the public interest

Proposed Consent Order

I note from your responses to [REDACTED] that have not denied the allegations. I also note that you no longer work as a surveyor and that your firm is no longer trading. You have supplied a letter dated [REDACTED] from your GP which details your medical history.

On review of all the available information, the Head of Regulation has determined that this matter may be suitable to be dealt with by way of a Consent Order as opposed to proceeding to a full Disciplinary Hearing.

I have attached an information sheet which explains what a Consent Order is and when it is considered an appropriate disciplinary sanction.

Please note that Consent Orders will only be appropriate where the all breaches are admitted.

Where [REDACTED] unable to agree a Consent Order a Disciplinary Panel may still hear the case. More information in relation to this is set out later in this letter.

Next Stage

I have prepared a draft Consent Order, attached, which I believe addresses the alleged areas of non-compliance. Please consider the Consent Order proposal carefully and then do the following:

If the breaches are admitted

1. Please return a signed copy of the Consent Order to [REDACTED] if you admit the breaches and agree to the Consent Order terms proposed.

Or

2. Please advise [REDACTED] you admit the breaches and agree to a Consent Order in principle but wish to discuss the terms. Please provide details of the terms you wish to amend.

Please do not sign the Consent Order until you are in agreement with the terms.

If the breach is not admitted

3. Please advise [REDACTED] if you do not admit the breach.

Please be advised where [REDACTED] is unable to agree a Consent Order the matter is likely to proceed to a Disciplinary Panel Hearing. [REDACTED] reserve the right to consider any new information which has not already been considered.

If the matter does proceed to a hearing it is likely that you will be requested to undertake a medical assessment and provide a full expert medical report detailing, if and how your medical condition(s) impacted on your conduct at the time of the alleged breaches.

Costs

The costs of entering into this consent order will be [REDACTED] and will be payable by within 28 days of the final signed agreement.

A breakdown of the costs is as follows:

Investigation Costs [REDACTED]

Enforcement Costs [REDACTED]

Total [REDACTED]

If the matter proceeds to a disciplinary hearing, [REDACTED] will seek to recover the costs of the hearing. The current costs of a virtual hearing are [REDACTED] per day plus any additional costs incurred in preparing for and presenting the case.

Any costs order must ordinarily be complied with within 28 days from the date the order is made by the Tribunal, unless a period less than 28 days is ordered.

Publication




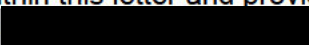
Consent order

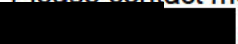
A member's name and the subject matter of a complaint will not usually be published when a matter is resolved by way of consent order.

Disciplinary Hearing

There is a presumption in favour of publication of decisions of the Disciplinary and Appeal Panel. Therefore, if the matter were to proceed to a Disciplinary hearing the matter would be published unless you made a successful application to the panel Tribunal opposing this.

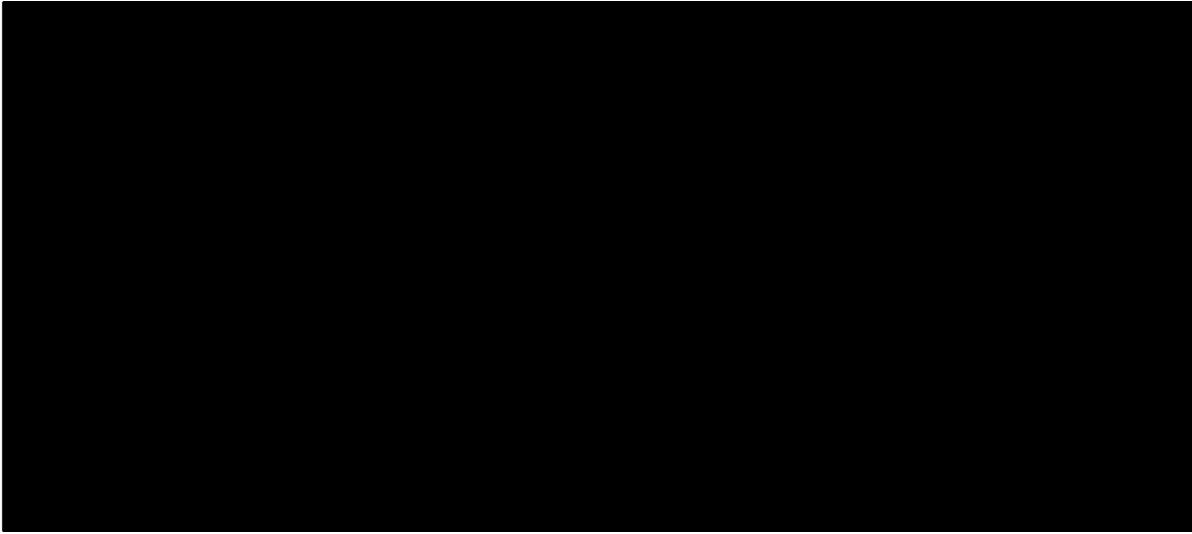
Next steps

Please carefully consider the options set out within this letter and provide  with your written response. Your response is required by .

Please contact me on the email address below, quoting your case reference number , if you have any queries regarding the content of this letter.

I look forward to hearing from you.

Yours sincerely



Consent Order

Relevant Person: [REDACTED] 59] of [REDACTED] [REDACTED] 47], [REDACTED]
[REDACTED]

I, [REDACTED] as Contact Officer for the above firm, admit on behalf of [REDACTED]
[REDACTED] formerly of [REDACTED] a
breach of [REDACTED]
in that:

Firm

1. Between [REDACTED] and [REDACTED], it failed to preserve the security of client funds in that it did not account promptly or at all to client [REDACTED] for all or part of the following monies received on its behalf:

[REDACTED]

I, [REDACTED] admit the following breaches of [REDACTED]
[REDACTED] in that:

Member

2. Between [REDACTED] I failed to account promptly or at all to client [REDACTED] for all or part of the following monies received on its behalf:
 - i. [REDACTED]
 - ii. [REDACTED]
 - iii. [REDACTED]
 - iv. [REDACTED]
 - v. [REDACTED]

In doing so:

[REDACTED]

- a. I failed to act with integrity; and
- b. I was dishonest.

3. On or around [REDACTED] I sent an email to Client [REDACTED] stating that I had transferred those sums referred to at charge 2(i-iii) or parts thereof, to Client [REDACTED], when I knew that I had not done so.

In doing so:

- a. I failed to act with integrity; and
- b. I was dishonest.

4. On or around [REDACTED] I sent an email to Client [REDACTED] stating that the transfers referred to in my email of [REDACTED] had been transferred to a different client in error, when I knew that this was not true.

In doing so:

- a. I failed to act with integrity; and
- b. I was dishonest.

Agreement with: [REDACTED]

I agree the following:

1. That I will be withdrawn from [REDACTED] with immediate effect;
2. That the Firm be removed from firm registration for regulation with immediate effect;
3. That I will remove all designations associated with [REDACTED] membership from any social media accounts;
4. That any reapplication for membership will be considered by a Registration Panel;
5. Pay a fine of [REDACTED] to [REDACTED];
6. Pay a contribution towards [REDACTED]' costs to [REDACTED] in the sum of [REDACTED]; and
7. That I will pay the above fine and costs in 6 monthly instalments. This will consist of 5 payments [REDACTED] followed by 1 payment of [REDACTED] commencing on [REDACTED]
[REDACTED]

[REDACTED] agrees that:

1. It will take no further disciplinary action in respect of the admitted breach(es) provided the member complies with the terms of this Consent Order.

2. Publication will take place in accordance with [REDACTED]
[REDACTED] Where a complaint has been made to [REDACTED] the complainant will be advised that a Consent Order has been agreed and the reason for this.

Effective Date

The effective date of this Consent Order is the date upon which [REDACTED] Head of Regulation signs the order.

Statement:

I acknowledge that a record of the signed order will be kept on file from the date of signature. I understand that it is my responsibility to ensure that the terms can be complied with within the time given and failure to follow the terms of this Consent Order may give rise to liability to disciplinary action.

Signed:

Dated:

[REDACTED]

[REDACTED]